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FACSIMILE**Date:** August 10, 2004**Time Sent:**

To:	Company:	Facsimile No:	Telephone No:
Wynette Stapor	USPTO	571-273-1626	571-272-1626
From:	Lorna L. Mullenax	Direct Phone:	202.756.8613
E-Mail:	lmullenax@mwe.com		
Sent By:		Direct Phone:	
Client/Matter/Tkpr:	57454-072	Original to Follow by Mail:	No
431		Number of Pages, Including Cover:	
Re:	U.S. Patent Application 09/829,046		

Message:

In accordance with our phone conversation, attached hereto are copies of the Petition and Decision which you indicated are not in the USPTO file. Please confirm this application is restored to pending status and the Notice of Allowance is forthcoming.

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U.S. practice conducted through McDermott Will & Emery LLP.
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096

Telephone: 202.756.8000



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Paper No. 112403

NOV 25 2003

MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

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DEC 03 2003

In re Application of:
Shigeki Obayashi
Serial No.: 09/829,046
Filed: April 10, 2001
Attorney Docket No.: 57454-072

MW&E

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed August 22, 2003, for reconsideration of holding of abandonment. The petition has been treated as a petition to withdraw the holding of abandonment in the above-identified application under 37 CFR § 1.181. No petition fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue fee in response to the Notice of Allowance and Issue Fee Due (Notice) mailed on November 28, 2001. A Notice of Abandonment was mailed on May 01, 2002.

Petitioner asserts that the Notice mailed on November 28, 2001, was not received. To support this assertion, petitioner provided a statement attesting that a search of the file jacket and docket records showed that the Office action was not received and a copy of the file docket where the Office action would have been entered.

A review of the written record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity there is a strong presumption that the Notice was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the practitioner did not receive the Office action and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

Application Serial No. 09/829,046
Decision on Petition

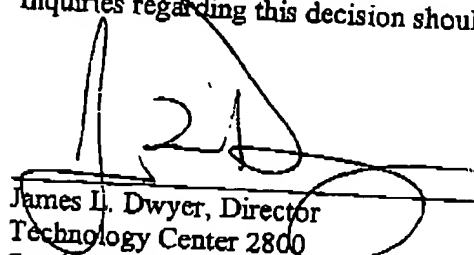
2

The petition, including the attachments, is sufficient to establish a showing of non-receipt of the Notice mailed November 28, 2001.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the Notice of Allowability and the Notice of Allowance and Issue Fee Due. The shortened statutory period for response will be reset to run from the date the Notices are re-mailed. Extensions of time are not available under 37 C.F.R. § 1.136.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (703) 308-0519.


James L. Dwyer, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

571
272-1594

08/10/2004 11:24 FAX 2027568087
10/24/03 FRI 15:18 FAX 202-756-8087

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004/010

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TO: Wynette Stapor Fax No 703-746-6880

COMPANY USPTO CLIENT NUMBER: 57454-072

FACSIMILE NUMBER:

SENDING PARTY: Lorna Mullenax DIRECT PHONE: 202-756-8613

RE: Serial No. 09/829,046

In accordance with our phone conversation of today, attached are
copies of the Petition and attachments filed on August 22, 2003
and a copy of the stamped postcard.

I look forward to hearing from you regarding the Petition and
Notice of Allowance.

DATE & TIME RECVD
IN OFFICE SERVICES

McDermott, Will & Emery
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Suite 1200
Washington, D.C. 20005-3096

FACSIMILE TRANSMITTAL FORM

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DATE: 10/24/03 NO. OF PAGES (INCLUDING COVER SHEET): 6TO: Wynette Stapor Fax No 703-746-6880COMPANY USPTO CLIENT NUMBER: 57454-072

FACSIMILE NUMBER:

SENDING PARTY: Lorna Mullenax DIRECT PHONE: 202-756-8613RE: Serial No. 09/829,046

In accordance with our phone conversation of today, attached are copies of the Petition and attachments filed on August 22, 2003 and a copy of the stamped postcard.

I look forward to hearing from you regarding the Petition and Notice of Allowance.

PLEASE NOTE:

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Applicant: Shigeki OHBAYASHI Docket No. 57454-072

Title: STATIC SEMICONDUCTOR MEMORY DEVICE HAVING T-TYPE BIT LINE STRUCTURE Serial/Reg./Patent No. 09/828,048

Date Sent: 8/22/2003 ☐ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ Express Mail No. _____

☐ Transmittal Letter

New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov

☐ Other: _____

_____ pages of Specification

_____ pages of Claims

_____ pages of Abstract

_____ pages of Formal/Informal Drawings

☐ Small Entity ☐ Large Entity

☐ Declaration/Power of Attorney

☐ Recordation of Assignment/Security Agreement

☐ Information Disclosure Statement

_____ Form PTO 1449

_____ copies of cited references

☐ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Response/Amendment to Office Action of _____

☐ Request for _____ month Extension of Time

☐ Letter submitting _____ pages of drawings

☐ Req. for Approval of Drawing Amendments

☐ Req. for Oral Hearing

☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief

☐ Rule 312 Amendment/Letter

☐ Req. for Acknowledgement of Cited Art

☐ Issue Fee

☐ Publication Fee

☐ Req. for Certificate of Correction

☐ Maintenance Fee for _____ years after grant

☐ Fee Address Indication Form _____

☐ Terminal Disclaimer

☐ Petition to Commissioner

☐ Status Inquiry

☒ Other Petition for Reconsideration of Holding of Abandonment & Attachment



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#8

Docket No.: 57454-072

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :
Shigeki OHBAYASHI : **CUSTOMER NO. 20277**
Serial No.: 09/829,046 : **Group Art Unit: 2818**
Filed: April 10, 2001 : **Examiner: not yet assigned**
For: **STATIC SEMICONDUCTOR MEMORY DEVICE HAVING T-TYPE BIT LINE**
STRUCTURE

PETITION FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Abandonment received in the above-referenced application which indicates this application has been abandoned for failure to pay the Issue Fee within the statutory period of three months from the mailing date of the Notice of Allowance.

It is respectfully submitted that the Notice of Allowance was never received in our office, and therefore the Issue Fee was never processed within our docketing system.

Applicant filed a Status Inquiry on December 9, 2002. No reply was received to this inquiry. Applicant filed a Second Status Inquiry on July 15, 2003. In reply to this status inquiry a copy of the Notice of Abandonment was received on August 1, 2003.

WDC99 801699-1.057454.0072

09/829,046

The Notice of Abandonment did not indicate when the Notice of Allowance was mailed. We contacted Wynette Stapor of TC2800 and were informed the Notice of Allowance was mailed on November 28, 2001.


We conducted a thorough search of all docketing systems to determine if the Notice of Allowance was ever received. All dockets failed to indicate the Notice of Allowance was ever received. Enclosed is a copy of the automated docket of our Docketing Department and also a copy of the page from the Docket Book of our Allowed Applications Department for the due date of February 28, 2002. Each of these docket entries evidence that the Notice of Allowance was not received in our office.

It is requested that this Petition alleging non-receipt of the Notice of Allowance, be treated as a Request to Withdraw a Holding of Abandonment and the Petition Fee be refunded. It is believed that this Petition supports the revival of this application, which was abandoned unavoidably due to non-receipt of the Notice of Allowance and Issue Fee Due Notice. It is respectfully requested that the Notice of Abandonment be rescinded and the application returned to pending status and processed for issuance.

Please charge any shortage in fees due in connection with the filing of this paper, including petition and extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Gene Z. Robinson
Registration No. 33,351

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 GZR:llm
Facsimile: (202) 756-8087
Date: August 22, 2003

WDC99 801699-1.057454.0072

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NONE DU
THURS

28

FEBRUARY

44239-020 IF Thirata ETJ

49657-117 IF + ^{2/22} ~~daya~~ Fukami SAB ^{OK 2-15}

50013-199 IF ^{2/22} ~~Pub fee~~ + ^{2/22} ~~daya~~ ^{OK 1-19}

58642-020 IF Tiarita MAM ^{OK 1-25}

49959-139 IF Applied Materials HAM ^{OK 1-25}

50395-051 IF Sumitomo AJS ^{OK 1-22}

50229-210 IF + ^{2/27} ~~daya~~ ^{OK 1-22}

49657-621 IF Fukami SAB ^{OK 2/15}

49657-975 ✓ 7 ^{2/21} ~~daya~~ ^{2/21} ~~Pub fee~~ Fukami SAB

49657-514 IF Fukami SAB ^{OK 2/15}

49657-716 ✓ 9 ^{2/22} ~~daya~~ ^{2/22} ~~Pub fee~~ Fukami SAB ^{OK 2-15}

49657-593 IF Fukami SAB ^{OK 2-4}

50100-703 ✓ 7 ^{2/25} ~~daya~~ AMD JAHAW

49657-981 IF + Pub fee Fukami SAB ^{OK 2-15}

63288-296 ✓ 7 Ball H-well W76-JAW ^{OK 2-15}

49657-821 IF + Pub fee ²⁻¹³ Fukami SAB ^{OK 2-13}

49657-997 IF + Pub fee ²⁻¹³ Fukami SAB ^{OK 2-6}

49657-601 IF Fukami SAB ^{OK 2-13}

50090-177 ✓ 7 ^{2/21} ~~daya~~ Takada SAB ^{OK 1-25}

50432-028 IF + ^{2/21} ~~daya~~ AMD JAH

49657-690 IF + Pub fee ^{2/20} Fukami SAB ^{OK 2/15}

49657-897 ✓ 7 + Pub fee ²⁻¹⁹ Fukami SAB ^{OK 2-15}

43889-695 IF Tharda MEF ^{OK 1-7}

50395-064 IF Sumitomo AJS ^{OK 2-15}

57454-012 IF ^{2/2} ~~Pub fee~~ Fukami SAB

57454-177 ✓ 7 + Pub fee ²⁻²⁰ Fukami SAB ^{OK 2-15}

44085-149 IF ²⁻¹⁵ ~~Pub fee~~ Thirata ETJ

49677-070 IF ^{2/22} ~~daya~~ N&B + ^{OK 2/15}

43889-727 IF ^{2/22} ~~daya~~ Matsushita MEF ^{OK 2-15}

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